

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

In The Matter of:

JOHN P. MOSCONY,

Respondent

HUDALJ 91-1604-DB

ORDER

Respondent John P. Moscony appealed the October 17, 1990, action of the Acting Assistant Secretary for Housing-Federal Housing Commissioner to suspend Respondent and his affiliates and to propose their indefinite debarment. By Order dated January 8, 1991, I granted Respondent's request for an indefinite stay of this proceeding. At an August 22, 1991, prehearing telephone conference and by Order dated August 26, 1991, I required Respondent to file a report on the status of the appeal of his conviction within ninety days of the date of that Order and every ninety days thereafter and to notify me immediately in the event action was taken on his appeal. He filed no reports and did not notify me that his appeal of his criminal conviction had been denied.¹ On June 10, 1994, I issued an Order to Show Cause on or before July 1, 1994, why this case should not be dismissed. Both parties have filed responses. The Department "strongly supports the position that this matter should be dismissed with prejudice." Respondent requests the dismissal of the proposed debarment, and again submits exhibits which attack his criminal conviction. Respondent's failure to comply with my August 26, 1991, Order by failing to notify me that his criminal appeal had been exhausted is sufficient, in itself, to demonstrate his present irresponsibility. Accordingly,

¹The United States Supreme Court denied Respondent's Petition for Writ of Certiorari on June 10, 1991. 111 S. Ct. 2812.

it is ORDERED that

the above captioned case is hereby *dismissed* with prejudice.

WILLIAM C. CREGAR
Administrative Law Judge

Dated: July 15, 1994.

CERTIFICATE OF SERVICE

I hereby certify that copies of this ORDER issued by WILLIAM C. CREGAR, Administrative Law Judge, HUDALJ 91-1604-DB, were sent to the following parties on this 15th day of July, 1994, in the manner indicated:

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